

## **REMARKS/ARGUMENTS:**

In the Final Office Action, the Examiner has rejected claims 18-40 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,645,077 (*Rowe*) in view of U.S. Patent No. 5,991,399 (*Graunke et al.*) and Patent No. 6,149,522 (*Alcorn et al.*). The Finality and substance of the Examiner's rejection is traversed below for at least the following reasons:

**(A) RECEIVING FROM A REMOTE DEVICE ENCRYPTED EXECUTABLE CODE FOR A PLURALITY OF GAMES AND (B) STORING THE ENCRYPTED EXECUTABLE CODE ON A GAMING DEVICE (CLAIM 18)**

Initially, it is respectfully submitted that the Examiner has not addressed these claimed features (A and B) in the Final Office Action. Accordingly, it is respectfully that the Finality of the rejection is improper and should be withdrawn for at least these reasons.

**(C) RECEIVING BY A GAMING DEVICE ONLY ONE OF A FIRST PRIVATE KEY OR A SECOND PRIVATE KEY FOR RESPECTIVELY DECRYPTING ENCRYPTED FIRST AND SECOND OPERATING DATA WHICH ARE STORED ON A GAMING DEVICE FOR FIRST AND SECOND GAMES IN ORDER TO PREVENT THE EXECUTION OF THE FIRST OR SECOND GAME ON THE GAMING DEVICE (CLAIM 18)**

It is respectfully submitted that the Examiner has not properly addressed this claimed feature in the Final Office Action. Instead, the Examiner has merely asserted that *Graunke et al.* teaches "utilizing private key for cryptographic processing data," and "taking remedial action whenever the decrypted data is not authenticated by a remote device" (Final Office Action, page 3). Clearly, this general assertion does not address the specific claimed feature of: *receiving by a gaming device only one of a first private key or a second private key for respectively decrypting encrypted first and second operating data which are stored on a gaming device for first and second games, in order to prevent the executing of the first or second game on the gaming device.*

In the Final Office Action, the Examiner has also asserted that "the only way to prevent an individual from accessing encrypted data is not to provide the individual the key to decrypt the encrypted data," and as such, the claimed feature would have been

well known (Office Action, page 7). Contrary to the Examiner's assertion, it is respectfully submitted that there are other mechanisms for preventing an individual from accessing encrypted data. For example, an individual may not be provided with the encrypted data and/or be granted permission to access it in the first place. As such, it is very respectfully submitted that the Examiner's assertion is improper. Furthermore, it is respectfully submitted that the Examiner needs to provide factual evidence to show that a specific claimed feature is taught by the prior art rather than making a general allegation not supported by factual evidence that the specific claimed feature is taught by the general principals of encryption. In this case, the Applicant has not generally claimed encrypting and decrypting data. As such, it is respectfully submitted that the Examiner's rejection is improper for failing to properly address this specific claimed feature (C).

Moreover, it is respectfully submitted that the cited art does not teach or suggest this claimed feature, and claim 18 is therefore patentable over the cited art for at least this reason.

**(D) SENDING BY A GAMING DEVICE INFORMATION RELATED TO A DECRYPTED ONE OF FIRST OR SECOND OPERATING DATA FOR AUTHENTICATION AFTER DECRYPTING IT RESPECTIVELY BY THE FIRST OR SECOND PRIVATE KEY (CLAIM 18)**

In the Final Office Action, the Examiner has asserted that *Alcorn et al.* teaches the claimed feature of: sending, by a gaming device, information related to the decrypted one of the first or second operating data (for first and second games) for authentication after decrypting it respectively by the first or second private key (Final Office Action, page 4).

In order to support this assertion, the Examiner has relied on the abstract of *Alcorn et al.* which is reproduced below:

Authentication of a casino game data set is carried out within the casino game console using an authentication program stored in an unalterable ROM physically located within the casino game console. The casino game data set and a unique signature are stored in a mass storage device, which may comprise a read only unit or a read/write unit and which may be physically located either within the casino game console or remotely located and linked to the casino game console over a suitable network. The authentication program stored in the

unalterable ROM performs an authentication check on the casino game data set at appropriate times, such as prior to commencement of game play, at periodic intervals or upon demand. At appropriate occasions, the contents of the unalterable ROM can be verified by computing the message digest of the unalterable ROM contents and comparing this computed message digest with a securely stored copy of the message digest computed from the ROM contents prior to installation in the casino game console. [*Alcorn et al.*, Abstract]

Clearly, the abstract of *Alcorn et al.* or general knowledge that a message digest can be determined or authentication can be generally performed does not address this specific claimed feature (D). Accordingly, it is respectfully submitted that the Examiner's rejection is improper and should be withdrawn for this additional reason.

Moreover, it is respectfully submitted that the cited art does not teach or suggest the combination of the claimed features noted above (A, B, C and D), and claim 18 and other independent claims are therefore patentable over the cited art for at least this reason.

**(E) THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS**

Finally, it is respectfully submitted that the Examiner has failed to establish a prima facie case of obviousness because the Examiner has failed to provide any factual evidence to show that the combination of Rowe, Graunke et al., and Alcorn et al. teaches the specific claimed features or such a combination would have been obvious to make in the first place. Instead, the Examiner has merely asserted that "one of ordinary skill in the art would have been forced to seek outside references, such as the *Graunke et al.* reference for disclosure as to the known manners and/or procedures of enacting the encryption as described in the first invention of Rowe" (Final Office Action, page 4), and *Alcorn et al.* teaches "a step of taking the security measures a step further to prevent tampering with the contents of the game data" (Final Office Action, page 5). It is very respectfully submitted that these general allegations do not provide the factual evidence needed to support a prima facie case of obviousness.

## **CONCLUSION**

Based on the foregoing, it is submitted that the claims are patentably distinct over the cited art of record. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner.

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. IGT1P376). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
BEYER LAW GROUP LLP

/RMahboubian/  
Ramin Mahboubian  
Reg. No. 44,890

P.O. Box 1687  
Cupertino, CA 95015-1687  
(408) 255-8001